

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

BENJAMIN TAYLOR, DARINA WINDSOR, and  
JOSEPH ABDUL NOOR EL-KHOURI,

Defendants.

**Civil Action No. 19-09744 (JLR)**

**AFFIRMATION OF RUA M. KELLY IN SUPPORT  
OF REQUEST FOR CERTIFICATE OF DEFAULT**

I, Rua M. Kelly, hereby declare as follows:

1. I am senior trial counsel in the Boston Regional Office of the Securities and Exchange Commission (the “Commission”), the Plaintiff in this matter. I submit this declaration pursuant to Federal Rule of Civil Procedure 55(a) in support of the Plaintiff Commission’s Request for a Clerk’s Certificate of Default as to Defendant Darina Windsor.

2. This action was commenced pursuant to Sections 10(b) and 14(e) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. §§ 78j(b), 78n(e)] and Rules 10b-5 and 14e-3 thereunder [17 C.F.R. §§ 240.10b-5, 240.14e-3].

3. On October 22, 2019, the Plaintiff Commission filed a complaint (the “Original Complaint”) alleging violations of Sections 10(b) and 14(e) of the Exchange Act by Defendant Darina Windsor and others in connection with insider trading. *See* ECF No. 3. The Original Complaint was not served on Windsor, as the Commission filed an amended complaint (the “Amended Complaint”) on March 27, 2020 against Windsor. *See* ECF No. 15. The Court then issued a summons for Darina Windsor on May 19, 2020. *See* ECF No. 23.

4. The Amended Complaint and summons were served on Windsor on May 18, 2022 in Bangkok, Thailand. On that date, an attorney retained by the Commission and licensed in Thailand served the First Amended Complaint, summons, and ECF filing instructions on Ms. Windsor at her official residential address in Bangkok, Thailand that was listed on her civil registration certificate. *See* ECF No.'s 50 (Proof of Service) and 50-1 (Declaration of Service). Both the proof of service and the declaration of service were filed on ECF on March 31, 2023.

5. The time for defendant Darina Windsor ("Windsor") to answer or otherwise move with respect to the Amended Complaint herein has expired.

6. Defendant Windsor has not answered or otherwise moved with respect to the Amended Complaint, and the time for Defendant Windsor to answer or otherwise move has not been extended.

7. I know from my involvement in this case and the preceding investigation that Darina Windsor is not an infant, is not in the military service of the United States as appears from facts in this litigation, and is not incompetent for purposes of defending a civil lawsuit.


8. On April 5, 2023, the Honorable Jennifer L. Rochon issued an order authorizing the Commission to seek a clerk's certificate of default for Darina Windsor pursuant to Federal Rule of Civil Procedure 55(a). *See* ECF No. 52.

9. I affirm that defendant Darina Windsor was properly served under Fed. R. Civ. P. 4 and proof of service has been filed with the court.

WHEREFORE, plaintiff Commission requests that the default of defendant Darina Windsor be noted and a certificate of default issued.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on April 28, 2023  
at Boston, Massachusetts

  
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Rua M. Kelly